

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Vredenburg	Team: Team # 2	CCRB Case #: 200710245	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 02/24/2007 6:00 PM, Friday, 07/13/2007 12:00 AM	Location of Incident: § 87(2)(b) Avenue and § 87(2)(b) Street; 44 Precinct stationhouse; § 87(2)(b) Avenue and § 87(2)(b) Street	Precinct: 44	18 Mo. SOL 8/24/2008	EO SOL 8/24/2008	
Date/Time CV Reported Wed, 07/18/2007 9:49 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 07/18/2007 9:49 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Ruben Velazquez	30744	894416	044 PCT
2. POM Juan Mora	11885	920626	044 PCT
3. An officer			044 PCT
4. POF Jeannette Rivera	03561	933259	044 PCT
5. SGT Edson Garcia	03164	900340	044 PCT
6. POM Derrick Lambert	19011	921482	044 PCT
7. POF Nicole Tirado	25509	931332	044 PCT
8. Officers			044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Madelyn Perez	28462	939212	044 PCT
2. SGT Danny Diaz	03970	923763	044 PCT
3. POM Cedric Green	15885	926907	044 PCT
4. POM Anthony Russo	04187	921733	044 PCT
5. POM Edwin Perez	29705	927717	044 PCT
6. POM Marcos Sanchez	04155	931134	044 PCT
7. POM Santos Rivera	09402	916540	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Juan Mora	Abuse: On February 24, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Place in the Bronx, Officer Juan Mora facilitated the stop of § 87(2)(b) § 87(2)(b) and § 87(2)(b)	
B.POM Derrick Lambert	Abuse: On February 24, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Street in the Bronx, Officer Derrick Lambert searched § 87(2)(b) § 87(2)(b)	
C.POM Ruben Velazquez	Abuse: On February 24, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Street in the Bronx, Officer Ruben Velazquez searched § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
D.POM Ruben Velazquez	Abuse: On February 24, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Street in the Bronx, Officer Ruben Velazquez refused to provide his shield number to § 87(2)(b)	
E.POM Ruben Velazquez	Abuse: On February 24, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Street in the Bronx, Officer Ruben Velazquez threatened § 87(2)(b) § 87(2)(b) with the use of force.	
F. Officers	Abuse: On February 24, 2007, at the 44th Precinct stationhouse, officers strip-searched § 87(2)(b) § 87(2)(b) and § 87(2)(b)	
G.POM Juan Mora	Abuse: On July 13, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Place in the Bronx, Officer Juan Mora facilitated the stop of § 87(2)(b) § 87(2)(b)	
H.POF Jeannette Rivera	Abuse: On July 13, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Place in the Bronx, Officer Jeannette Rivera searched § 87(2)(b) § 87(2)(b)	
I.POF Jeannette Rivera	Abuse: On July 13, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Place in the Bronx, Officer Jeannette Rivera strip-searched § 87(2)(b) § 87(2)(b)	
J.POF Jeannette Rivera	Abuse: On July 13, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Place in the Bronx, Officer Jeannette Rivera frisked § 87(2)(b) § 87(2)(b)	
K.POM Ruben Velazquez	Abuse: On July 13, 2007, in the vicinity of the corner of § 87(2)(b) Avenue and § 87(2)(b) Place in the Bronx, Officer Ruben Velazquez searched § 87(2)(b) § 87(2)(b)	
L.POM Derrick Lambert	Abuse: On July 13, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Place in the Bronx, Officer Derrick Lambert threatened to arrest § 87(2)(b)	
M.POF Jeannette Rivera	Abuse: On July 13, 2007, at the 44th Precinct stationhouse, Officer Jeannette Rivera strip-searched § 87(2)(b) § 87(2)(b)	
N. An officer	Abuse: On July 13, 2007, at the 44th Precinct stationhouse, an officer did not process § 87(2)(b)'s complaint regarding officers.	
§ 87(4-b), § 87(2)(g)	§ 87(4-b), § 87(2)(g)	
§ 87(4-b), § 87(2)(g)	§ 87(4-b), § 87(2)(g)	
§ 87(4-b), § 87(2)(g)	§ 87(4-b), § 87(2)(g)	

Synopsis

§ 87(2)(b) filed this complaint by phone with the CCRB on July 18, 2007, describing alleged misconduct by NYPD officers on two separate dates nearly five months apart. On February 24, 2007, at about 6:00 PM, § 87(2)(b) and her friend, § 87(2)(b) were walking near § 87(2)(b) Place and § 87(2)(b) Avenue in the Bronx. Officer Derrick Lambert and Officer Ruben Velazquez stopped § 87(2)(b) and § 87(2)(b) (allegation A) in response to a radio transmission from Officer Juan Mora. Officer Lambert allegedly searched § 87(2)(b) as Officer Velazquez searched § 87(2)(b) (allegations B and C). Officer Velazquez allegedly threatened to use force against § 87(2)(b) and refused to provide his shield number to § 87(2)(b) (allegations D and E). § 87(2)(b) and § 87(2)(b) were transported to the 44th Precinct stationhouse and allegedly strip-searched by two unidentified officers (allegation F). § 87(2)(b) and § 87(2)(b) were charged § 87(2)(a) 160.50

On July 13, 2007, at about 2:30 PM, near the intersection of § 87(2)(b) Avenue and § 87(2)(b) Street in the Bronx, § 87(2)(b) was stopped by Officer Velazquez, Officer Lambert, and Officer Jeannette Rivera (allegation G) in response to a radio transmission from Officer Mora. Officer Velazquez searched § 87(2)(b)'s purse as Officer Jeannette Rivera frisked § 87(2)(b) searched her pants pockets, and directed her to lift her blouse above her brassiere (allegations H, I, J, and K). § 87(2)(b)'s father, approached the officers and Officer Lambert allegedly threatened to arrest him (allegation L). At the 44th Precinct stationhouse, Officer Jeannette Rivera allegedly strip-searched § 87(2)(b) (allegation M). § 87(2)(b) went to the 44th Precinct stationhouse to file a complaint and an unidentified officer allegedly refused to permit him to do so (allegation N). § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Summary of Complaint

§ 87(2)(b) a § 87(2)(b) year old, 5'6", 130-pound black female resident of the Bronx § 87(2)(b) made statements while filing the complaint on July 18, 2007 (encl. 6a-c), in a notice of claim filed on July 18, 2007 (encl. 5a-b), in a telephone conversation with Inv. Johnson on July 27, 2007 (encl. 7a), in her CCRB interview on August 6, 2007 (encl. 8a-h), during a photo array on April 21, 2008 (encl. 9a-f), and in a telephone conversation with Inv. Vredenburg on May 20, 2008 (encl. 10a). § 87(2)(g)

February 24, 2007

On February 24, 2007, between 5:30 PM and 6:00 PM, § 87(2)(b) met her friend, § 87(2)(b) with whom she became acquainted two years prior during job training, at East § 87(2)(b) Street and § 87(2)(b) Avenue. § 87(2)(b) went straight from her home to the meeting location on foot and § 87(2)(b) later informed § 87(2)(b) that she, too, had come directly from home. They went to a Wendy's restaurant and § 87(2)(b) clothing store, but no other establishments or buildings, and then walked on § 87(2)(b) Avenue to East § 87(2)(b) Street, where § 87(2)(b)'s mother lives. § 87(2)(b) and § 87(2)(b) did not purchase any narcotics, were not under the influence of any narcotics, and did not speak with anyone on the street.

At the corner of § 87(2)(b) Avenue and § 87(2)(b) Street, § 87(2)(b) and § 87(2)(b) were stopped by two officers who exited a vehicle. § 87(2)(b) described one of the officers, identified during investigation as Officer Lambert, as a 5'8", 165-pound Hispanic male with dark hair who was dressed in uniform, and she later obtained his name from his shield and provided it as "Lambert." The other officer, identified as Officer Ruben Velazquez, § 87(2)(b) described as a 5'9", 190-pound Hispanic male with dark hair who was dressed in uniform and she obtained his name during the incident on July 13, 2007 and provided it as "Velazquez." The officers told them to step against a nearby wall and place their hands on the wall. Officer Lambert, the short and thinner officer, searched § 87(2)(b)'s pockets by turning them inside out as Officer Velazquez, the taller and bigger officer, searched § 87(2)(b)'s bags, throwing items to the ground as he took them out. The officers asked them where they were coming from and where they were going to, and § 87(2)(b) told them that they had just gone shopping and asked why they had been stopped. § 87(2)(b) became upset, turned from the wall, and asked why they were searching her belongings. Officer Velazquez replied, "If you won't turn around, we're gonna have to wrestle you to the floor." Officer Velazquez searched § 87(2)(b)'s pockets and the officers did not indicate why they had been stopped. § 87(2)(b) asked Officer Velazquez for his shield number and replied, "We're taking you guys down." The officers handcuffed § 87(2)(b) and § 87(2)(b) who conjectured that they were being arrested for requesting Officer Velazquez's identifying information, and Officer Velazquez said, "We're taking you guys and we're gonna search you all some more."

At the 44th Precinct stationhouse, an officer, identified by § 87(2)(b) as Officer Mora and whom § 87(2)(b) described as a 5'8" Hispanic male with dark hair who was dressed in plain clothes and whose name she obtained, walked with § 87(2)(b) to the rear of the stationhouse and asked her what she had been doing in the neighborhood. § 87(2)(b) repeated that she had been shopping and lived in the area. Officer Mora replied, "That's not what I heard. Someone said they saw you guys in a building." § 87(2)(b) denied this and an officer, identified by § 87(2)(b) as Officer Jeannette Rivera, whom § 87(2)(b) described as a 5'6", 135-140-pound Hispanic female with blondish brown hair and whose name she saw on her shield as "Perez," took § 87(2)(b) to a bathroom. Another officer, whom § 87(2)(b) described as a 5'4", 145-pound Hispanic female with dark hair, was present at the bathroom. Officer Rivera directed § 87(2)(b) to remove her shoes, socks, pants, underwear, and brassiere. Officer Rivera also directed her to lift her breasts and spread her buttocks. No items were recovered and afterwards Officer Rivera lodged § 87(2)(b) in a holding cell. A few minutes later, § 87(2)(b) joined her in the holding cell and informed § 87(2)(b) that she was strip searched, though § 87(2)(b) did not witness it. Officer Mora told them to remain calm and that they might be released with summonses. At about 1:00 AM on February 25, 2007, § 87(2)(b) and § 87(2)(b) were fingerprinted and then taken to Bronx

Central Booking, where they were charged § 87(2)(a) 160.50 . On § 87(2)(b) , the charges were dropped against § 87(2)(b) and § 87(2)(b) .

July 13, 2007

On July 13, 2007, at about 2:30 PM, § 87(2)(b) was on her way home from work, exited the East § 87(2)(b) Street 4 train subway station, and went to § 87(2)(b) § 87(2)(b) home, located at § 87(2)(b) Avenue, to speak with § 87(2)(b) s wife, § 87(2)(b) about child care for her daughter. § 87(2)(b) directed § 87(2)(b) to speak with § 87(2)(b) who was fixing his vehicle on § 87(2)(b) Street. § 87(2)(b) walked on § 87(2)(b) Avenue to § 87(2)(b) Street, where she spoke with § 87(2)(b) . After the conversation, § 87(2)(b) walked towards § 87(2)(b) Avenue, where she saw a gray unmarked police vehicle and officers identified through investigation as Officer Rivera, Officer Lambert, who she described as a 5'7"-5'8", 195-200-pound Hispanic male, and Officer Velazquez. Officer Velazquez was driving the vehicle and Officer Rivera exited the vehicle first, stating, "Put your hands up, put your hands up, where are you coming from?" § 87(2)(b) raised her hands and complied with Officer Jeannette Rivera's order to keep them raised at her sides for the officers' safety. § 87(2)(b) responded that she was walking home from work. A van was positioned between where § 87(2)(b) was working on his vehicle and where § 87(2)(b) interacted with the officers. § 87(2)(b) was holding her cell phone and a leopard print purse. Officer Velazquez opened the purse, causing the two zippers to break, and looked in it. Officer Jeannette Rivera directed § 87(2)(b) to lift her blouse over her bra and shake her bra. § 87(2)(b) lifted her blouse over her brassiere and shook her brassiere as Officer Jeannette Rivera watched her. She indicated that her blouse was positioned above her brassiere in public view for less than a minute, but more than a few seconds. Officer Jeannette Rivera then told her to remove her shoes and socks, which § 87(2)(b) did. Officer Jeannette Rivera ran her hands over § 87(2)(b) s waistband and pulled her pants pockets inside out.

Officer Jeannette Rivera and Officer Velazquez questioned § 87(2)(b) as to whether she was hiding anything and what she had been doing. § 87(2)(b) told the officers that she had been at her mother's home. § 87(2)(b) walked with Officer Jeannette Rivera and Officer Velazquez to their police vehicle and called out to § 87(2)(b) who she saw as she was being placed in the police vehicle. § 87(2)(b) asked the officers what was happening and Officer Jeannette Rivera told him that he would be arrested if he did not back away. § 87(2)(b) complied and § 87(2)(b) was driven to a marked police van located on West Clarke Place. Two officers, identified through investigation as Officer Cedric Green, whom § 87(2)(b) described as a 5'7", 175-pound black male, and Officer Santos Rivera were in the vehicle. Officer Green searched § 87(2)(b) s pockets and her purse. Officer Green joked that he might let § 87(2)(b) leave, then said he had changed his mind, and told § 87(2)(b) to enter the van as he and Officer Santos Rivera laughed. § 87(2)(b) remained in the van until 4:00 PM, at which point she was taken to the 44th Precinct stationhouse.

The notice of claim, which was drafted by § 87(2)(b) s attorney, § 87(2)(b) , and signed by § 87(2)(b) indicates that § 87(2)(b) was detained in the police van for two hours, § 87(2)(b), § 87(2)(g)

It also indicates that her handcuffs were applied too tightly, § 87(2)(g) . The notice of claim, filed on § 87(2)(b) , indicates that on February 24 and July 13, 2007, § 87(2)(b) was publicly searched, strip-searched, and wrongly arrested without probable cause and hence demands \$1,000,000 to compensate for the loss of liberty, mental anguish, and psychological disability and distress for which she has been caused out-of-pocket expenses.

Officer Jeannette Rivera told § 87(2)(b) that she needed to search her again and took her to a bathroom. No other officers were present. Officer Jeannette Rivera directed § 87(2)(b) to remove her shirt and pants, to lift and shake her brassiere, and to spread her buttocks. Officer Rivera also told her to remove her hair clip and shake her hair. No items were recovered and Officer Rivera later told § 87(2)(b) that she might be released with a summons, though at 2:00 AM on July 14, 2007 § 87(2)(b) was fingerprinted and photographed, and Officer Lambert informed her that she was being charged § 87(2)(a) 160.50 .

In the photo array on April 21, 2008, § 87(2)(b) was shown five photo arrays, which each consist of five filler photos and Officer Waikeria Velez, Officer Jeannette Rivera, Officer Nicole Tirado, Officer Madelyn Perez, and Officer Maria Lopezcruz, who represent the other female Hispanic officers working in the 44th Precinct at the time of the incident. § 87(2)(b) identified Officer

Jeannette Rivera as an officer who was involved in strip-searching her on February 24, 2007 and as the female officer who stopped her on the street and subsequently strip-searched her. She did not recognize any of the other officers.

§ 87(2)(b) [§§ 86(1)(3)&(4)] § 87(2)(c)

Results of Investigation

Civilian Statements

§ 87(2)(b) a § 87(2)(b) old black male who is 5'7", 180 pounds, § 87(2)(b), and § 87(2)(b)'s father, made statements concerning the incident in his CCRB interview on August 6, 2007 (encl. 11a-d), in telephone conversations with Inv. Vredenburg on December 14 and 18, 2007 (encl. 12a-b), and in a photo array on December 27, 2007 (encl. 13a-e). § 87(2)(b), § 87(2)(g)

July 13, 2007

On July 13, 2007, at about 2:30 PM, § 87(2)(b) was repairing his vehicle at a garage on § 87(2)(b) Place, which is two blocks from § 87(2)(b)'s home on § 87(2)(b) Avenue. § 87(2)(b) spoke with § 87(2)(b) at the garage and then left. § 87(2)(b) heard § 87(2)(b) yell shortly after she had left and he looked and saw that she was being placed into a police vehicle by Officer Lambert, Officer Velazquez, and Officer Rivera, who were identified through investigation. § 87(2)(b) was unable to see the officers stop her, as a van was inhibiting his line of sight. § 87(2)(b) approached the vehicle. § 87(2)(b) protested that she had done nothing wrong, and Officer Lambert said she was lying. Officer Lambert told § 87(2)(b) to back up or he would be arrested.

§ 87(2)(b) went to the 44th Precinct stationhouse around 4:30 PM in order to file a complaint about the fact that the officers had arrested § 87(2)(b). § 87(2)(b) asked to see "the boss" and an unidentified officer, whom he described as a white male taller than 5'7" and about 190 pounds and dressed in a uniform with three stripes on the sleeves, exited a marked police vehicle parked outside and said, "I'm the boss." § 87(2)(b) asked, "I want to obtain one of these Civilian Complaint Review Board forms." The unidentified officer replied, "For what?" § 87(2)(b) said that he had seen his daughter being arrested and wished to file a complaint. The unidentified officer replied that he could not obtain the form and left the stationhouse.

§ 87(2)(b) was presented with four photo arrays by the CCRB investigator that included each 44th Precinct sergeant working at the time of the incident. § 87(2)(b) indicated that he did not recognize any of the officers, stating that he would have paid more attention to his face if he had known he would be looking at photographs.

§ 87(2)(b) provided statements concerning the incident in a telephone conversation with Inv. Johnson on August 24, 2007 (encl. 14a), in a telephone conversation with Inv. Vredenburg on December 6, 2007 (encl. 14b), in her CCRB interview on April 14, 2008 (encl. 15a-d), and in a photo array on April 21, 2008 (encl. 16a-f). § 87(2)(b), § 87(2)(g)

February 24, 2007

During the incident on February 24, 2007, § 87(2)(b) asked Officer Velazquez, "What's your badge number?" Officer Velazquez did not provide the information and instead told Officer Lambert that they should arrest § 87(2)(b) and § 87(2)(b). § 87(2)(b) described Officer Velazquez as a heavy-set male Hispanic with dark and short brown hair, who is about 40-45 years old. § 87(2)(b) was later able to see his shield number, which she provided as "30744," but he did not verbally respond to her question. She did not recall whether Officer Velazquez threatened to use physical force at the scene. At the stationhouse, § 87(2)(b) was strip-searched by two female Hispanic officers, who directed her to remove all of her

clothing and bend forward. She described one of the officers as a 5'6" Hispanic female of average build and medium skin tone with dark hair in a pony tail and in her twenties. The other was slightly taller, of lighter skin tone with a blondish hair in a pony tail and in her twenties as well. § 87(2)(b) has not had any other interactions with officers since she moved to New York City § 87(2)(b) ago. § 87(2)(b) had a Gameboy in her purse that was not returned to her or vouchered. § 87(2)(g)

In the photo array, § 87(2)(b) was shown five photo arrays that each consisted of five filler photos and Officer Waikeria Velez, Officer Jeannette Rivera, Officer Nicole Tirado, Officer Madelyn Perez, and Officer Maria Lopezcruz, who represent the other female Hispanic officers working in the 44th Precinct at the time of the incident. § 87(2)(b) was unable to identify any officers and indicated that she did not recall the subject officers' faces.

Officers Interviewed

Officer Ruben Velazquez from the 44th Precinct was interviewed at the CCRB on November 15, 2007 (encl. 17a-d). Officer Velazquez is a 5'11", 220-pound Hispanic male with brown hair and brown eyes who is § 87(2)(b) years old. On February 24, 2007, Officer Velazquez worked from 12:00 PM to 8:30 PM on the SNEU team, but did not recall with whom he worked or his assignment. His memo book for February 24, 2007 was requested and will be included in the case file if it is received. On July 13, 2007, Officer Velazquez worked from 12:00 PM to 1:35 AM on July 14, 2007 with Officer Lambert, who was the recorder, and possibly another officer, though he could not recall and did not note which officer. He did not remember if it was Officer Rivera. He did not note what vehicle they used, but stated that he was assigned to the apprehension car. He did not have any memo book entries concerning the incident.

February 24, 2007

Officer Velazquez had no recollection of interacting with § 87(2)(b) or § 87(2)(b) on February 24, 2007 or of being involved in their arrests. Officer Velazquez had no recollection of with whom he worked or his assignment. He had been doing SNEU for about three months prior to the incident.

July 13, 2007

On July 13, 2007, the observation post, identified during investigation as Officer Mora, put over a radio transmission that provided a description of two females and described them as walking on § 87(2)(b) Place towards § 87(2)(b) Avenue, which, as with any description from the observation post, indicated to the apprehension vehicle to stop the females. Officer Velazquez could not recall the descriptions. Officer Velazquez was in the vicinity of the location and responded to § 87(2)(b) Avenue and § 87(2)(b) Place in less than one minute. When they arrived, Officer Velazquez saw two females walking on § 87(2)(b) Place stop. The females spoke with an older black male, identified as § 87(2)(b) at a mechanic shop a few store fronts from the corner of § 87(2)(b) Place and § 87(2)(b) Avenue. Officer Velazquez parked the vehicle at an angle pointing towards the mechanic shop. Officer Velazquez remained in the vehicle as Officer Lambert and an officer (identified during the investigation as Officer Jeannette Rivera) approached § 87(2)(b) and the unknown female. Officer Velazquez did not recall exiting the vehicle at any point and had a clear view of the interaction.

Officer Lambert and Officer Rivera had a brief conversation with § 87(2)(b) and the other female, and Officer Velazquez stated that it was "a routine stop." Officer Velazquez did not remember several aspects of the stop. Officer Velazquez did not recall if any of the officers, including himself, frisked or searched § 87(2)(b) during the stop. He did not recall if § 87(2)(b) had a purse with her that was searched or broken during the stop. Officer Velazquez did not recall if § 87(2)(b) was ordered to lift her blouse or remove her shoes and socks. During the stop, § 87(2)(b) began yelling, "Daddy, daddy." § 87(2)(b) appeared, but Officer Velazquez did not recall how far he was from the officers. Officer Velazquez did not recall if any officer informed § 87(2)(b) that he would be arrested if he did not back away.

Less than five minutes after the officers approached § 87(2)(b) she was brought to the police vehicle. Officer Velazquez did not recall if she was brought to the prisoner van or taken directly to the 44th Precinct stationhouse. He was not aware of whether she was strip searched, but said she was

charged § 87(2)(a) 160.50 at § 87(2)(b) Place, which is a Clean Halls building that is a drug prone location that the SNEU team addresses. § 87(2)(b) went to the stationhouse and Officer Velazquez spoke with him about what would happen to § 87(2)(b). § 87(2)(b) did not ask Officer Velazquez to file a civilian complaint and he was not aware of him asking another officer.

Officer Jeannette Rivera from the 44th Precinct was interviewed at the CCRB on December 11, 2007 (encl. 22a-c). Officer Rivera is a 5'4", 140-pound Hispanic female, § 87(2)(b) years old, with brown hair that has blonde streaks. She has hazel eyes. Officer Rivera noted in her memo book that she took a Chart Day on February 24, 2007 (encl. 21a-c). On July 13, 2007, Officer Rivera worked from 12:00 PM to 2:03 AM on July 14, 2007 and did not note with whom she worked or her assignment, but recalled working with Officer Velazquez and Officer Lambert in an apprehension car, though she did not note or recall what vehicle she used. § 87(2)(b), § 87(2)(g)

Officer Rivera was the deponent on a Criminal Court Complaint (encl. 21d-e) which indicates that on July 13, 2007 § 87(2)(b) was charged § 87(2)(a) 160.50. Officer Mora witnessed § 87(2)(b) enter § 87(2)(b) Place, a Clean Halls building, which has locked doors and a buzzer entry system, and then exit about a minute later. § 87(2)(b) informed the officers that she entered the building and told them her address, and then denied going into the building. It also indicates that § 87(2)(b) flailed her arms and twisted her body to resist arrest and banged her knees against the police vehicle door to inhibit Officer Jeannette Rivera from closing the door.

One of the arrest reports (encl. 21f-g) indicates that § 87(2)(b) was charged with § 87(2)(a) 160.50. The other arrest report (encl. 21h-i), which has the same time and place of occurrence, indicates that she was seen entering and exiting a Clean Halls building without permission or authority to do so. Officer Jeannette Rivera also completed an arrest report supplement (encl. 21j) indicating that § 87(2)(b) was seen entering and exiting § 87(2)(b) Place, not § 87(2)(b) Place.

February 24, 2007

Officer Rivera did not recall interacting with § 87(2)(b) or § 87(2)(b) on February 24, 2007 and did not recall conducting strip searches of them on February 24, 2007.

July 13, 2007

Officer Rivera indicated that Officer Mora described only one person as the officers were parked on § 87(2)(b) Avenue at the corner of § 87(2)(b) Place. Officer Mora did not transmit what crime he had observed, but Officer Jeannette Rivera stated that she knew that § 87(2)(b) was wanted for § 87(2)(a) 160.50, though she did not see § 87(2)(b) exit any buildings. The SNEU team was conducting normal narcotics operations activity on July 13, 2007. They watched § 87(2)(b) walk to the police vehicle, at which point Officer Jeannette Rivera and Officer Lambert, and possibly Officer Velazquez as well, exited the vehicle. Officer Jeannette Rivera and Officer Lambert asked § 87(2)(b) where she was coming from and where she lives, but no other questions. They did not investigate whether § 87(2)(b) had narcotics on her person and did not suspect her of that. The officers did not obtain § 87(2)(b)'s identification. When asked to specify how she knew that § 87(2)(b) did not have narcotics on her person and instead was suspected only of § 87(2)(a), Officer Jeannette Rivera responded, "We stopped her, we interviewed her, she denied going into the building, she denied being in the building, she denied knowing anyone in the building, and she then was placed under arrest § 87(2)(a) 160.50. § 87(2)(b) denied coming from § 87(2)(b) Place and told the officers her address, at which point she "started getting crazy." Officer Jeannette Rivera did not know what happened directly before § 87(2)(b) began yelling for her father. She denied searching § 87(2)(b) including directing her to remove her shoes and socks, and to lift her blouse. She was not sure if § 87(2)(b) had any bags with her, but did not search any and did not see any other officer do so. Officer Jeannette Rivera handcuffed § 87(2)(b) who moved her upper body and arms, but it took

Officer Jeannette Rivera only a few seconds to handcuff her. Officer Jeannette Rivera walked § 87(2)(b) to the police vehicle and frisked § 87(2)(b)'s waistband as a protective measure.

Officer Jeannette Rivera initially stated that she had a specific recollection of transporting § 87(2)(b) to the 44th Precinct stationhouse and lodging her in the holding cells. When told that § 87(2)(b) claimed she was first transported to a prisoner van, Officer Jeannette Rivera indicated that they may have transported her to a prisoner van and she did not recall how she was transported. At the 44th Precinct stationhouse, Officer Rivera completed arrest paperwork and went to the holding cells in order to assure that § 87(2)(b) did not abscond from the stationhouse. § 87(2)(b) was handcuffed to a pole in the holding cell. Officer Jeannette Rivera did not strip search § 87(2)(b) and was not aware of any other officer doing so. Officer Jeannette Rivera did not discuss the charges for § 87(2)(b) with anyone and knew the address of the building because the SNEU team was concentrating on § 87(2)(b) Place in specific on July 13, 2007. She was not aware of § 87(2)(b) coming to the stationhouse.

Officer Derrick Lambert from the 44th Precinct was interviewed at the CCRB on January 8, 2008 (encl. 26a-g). Officer Lambert is a 5'8", 180-pound black male with black hair and brown eyes who is § 87(2)(b) years old and of light skin tone. Officer Lambert worked from 10:00 AM on February 24, 2007 to 12:35 AM February 25, 2007 and began the tour assigned to the Community Policing Unit and noted in his memo book that he switched to SNEU at 2:00 PM. He did not note or recall with whom he worked doing SNEU or what vehicle he used. On July 13, 2007, Officer Lambert worked from 12:00 PM to 4:10 AM on July 14, 2007 with Officer Jeannette Rivera and Officer Velazquez, but he did not note or recall what vehicle was used. He did not have any memo book entries concerning the incidents. § 87(2)(g)

February 24, 2007

Officer Lambert did not recall interacting with § 87(2)(b) and § 87(2)(b) on February 24, 2007.

July 13, 2007

On July 13, 2007, Officer Mora put over a description of § 87(2)(b) which indicated to Officer Lambert that she was possibly in possession of narcotics. Included in the transmission was a description of what § 87(2)(b) was wearing, where she was coming from, and what she was carrying with her. Officer Lambert did not recall the specifics of the radio transmission. Officer Lambert, Officer Jeannette Rivera, and Officer Velazquez exited the vehicle together. Within seconds of being approached § 87(2)(b) began to yell, "Why are you stopping me? Why are you bothering me?" Officer Lambert approached § 87(2)(b) who appeared about twenty-five feet away from the officers and yelled, "What are you doing to my daughter?" Officer Lambert replied, "All I want you to do right now is stay over there and do not approach her." Officer Lambert did not recall if he informed § 87(2)(b) that he could be arrested. Officer Lambert looked back and saw Officer Velazquez and Officer Rivera talking with § 87(2)(b). Officer Lambert said that he did not know what the officers were speaking with § 87(2)(b) about, as his role was to assure that a crowd did not interfere with the stop. Officer Lambert said that a crowd of about thirty people gathered at the scene, "just being nosy" and trying to discern what was happening to § 87(2)(b). Officer Lambert told the people to step back and inhibited them from interfering with Officer Rivera and Officer Velazquez. When asked how it came to be that § 87(2)(b) was arrested, Officer Lambert said that he did not recall anything else concerning § 87(2)(b) and was not sure how the officers determined that she was not in possession of narcotics. Officer Lambert did not see any officer search or frisk § 87(2)(b) and was not involved in handcuffing her. Officer Lambert recalled seeing § 87(2)(b) standing calmly at the front desk at the stationhouse.

Officer Juan Mora from the 44th Precinct was interviewed at the CCRB on December 11, 2007 (encl. 20a-b). Officer Mora is a 5'11", 195-pound Hispanic male who has black hair and brown eyes and is § 87(2)(b) years old. Officer Mora worked as the observation post on February 24, 2007 and worked from

12:00 PM to 12:05 AM on February 25, 2007, but he did not note or recall with whom he worked or what vehicle he used. He noted in his memo book that three arrests were made, but did not note or recall what the arrests concerned. On July 13, 2007, Officer Mora worked from 12:00 PM to 1:35 AM on July 14, 2007 as the observation post, but he did not note or recall with whom he was working or what vehicle was used. He indicated that he would have had a partner on both February 24, 2007 and July 13, 2007. [REDACTED]

§ 87(2)(g)

§ 87(2)(a) 160.50

[REDACTED] When questioned by Officer Velazquez about entering the building, § 87(2)(b) and § 87(2)(b) were unable to provide the names of any tenants or provide a legitimate purpose for entering the building.

February 24, 2007

Officer Mora did not recall seeing or interacting with § 87(2)(b) of § 87(2)(b) on February 24, 2007. Officer Mora stated that he always works as the observation post and had been on the 44th Precinct SNEU team for about two years at the time of the incident.

July 13, 2007

On July 13, 2007, Officer Mora saw § 87(2)(b) whom he said he had never seen before, enter and exit § 87(2)(b) Place alone. He could not recall how § 87(2)(b) entered the building, but said that he generally puts over radio transmissions of people who enter Clean Halls buildings without keys and have someone let them in. Officer Mora did not question § 87(2)(b) he put over a radio transmission for an apprehension car to stop § 87(2)(b) and included a description of her and the fact that she had committed § 87(2)(a) 160.50. He did not include any indication that she was in possession of narcotics, though he said that marijuana is commonly sold in the building.

Officer Mora did not watch § 87(2)(b) interact with the officers and did not see § 87(2)(b) intervene in the arrest or the officers having any difficulty with § 87(2)(b) he looked to assure that the officers stopped the correct individual and then continued observing the street.

Officer Edwin Perez from the 44th Precinct was interviewed at the CCRB on February 6, 2008 (encl. 28a-f). Officer Perez is a 5'10", 185-pound Hispanic male with brown hair and brown eyes who is § 87(2)(b) years old. Officer Perez noted in his memo book that he took a Chart Day on February 24, 2007 and thus did not work. On July 13, 2007, Officer Perez worked from 10:00 AM to 6:35 PM with Officer Sanchez and was assigned to the apprehension car § 87(2)(e), § 87(2)(f). He did not have entries concerning the incidents.

July 13, 2007

Officer Perez did not recall the incident on July 13, 2007. He stated that when the SNEU team uses two apprehension vehicles, generally only one vehicle will respond if there is one arrestee and no issues with the arrest, such as a crowd developing or a prisoner resisting arrest. If there is a need for assistance, the observation post requests that the second apprehension vehicle respond to perform crowd control or assist with the arrestee.

Officer Cedric Green from the 44th Precinct was interviewed at the CCRB on March 11, 2008 (encl. 29a-c). Officer Green is a 5'6", 170-pound black male with black hair and brown eyes who is § 87(2)(b) years old. On February 24, 2007, Officer Green worked from 12:00 PM to 8:35 PM with Officer Lambert and was assigned to the prisoner van. On July 13, 2007, Officer Green worked from 12:00 PM to 8:35 PM with Officer Santos Rivera in the prisoner van. He did not have any memo book entries concerning the incidents.

February 24 and July 13, 2007

Officer Green did not have any recollection of interacting with § 87(2)(b) and § 87(2)(b) on either incident date. He stated that normally the prisoners are brought by the apprehension cars to the prisoner van, which at a location remote from the set. Officer Green indicated that the SNEU team generally concentrates on three buildings on § 87(2)(b) Place, two of which are known for heroin and one of which is known for marijuana.

Sergeant Edson Garcia from the 44th Precinct was interviewed at the CCRB on January 25, 2008 (encl. 27a-f). Sergeant Garcia is a 5'8", 180-pound Hispanic male with black hair and brown eyes who is § 87(2)(b) old. On February 24, 2007 and July 13, 2007, Sergeant Garcia worked from 12:00 PM to 8:57 PM as the SNEU supervisor, but he did not note or recall with whom he worked or what vehicle he used. He did not have any memo book entries concerning either incident.

February 24 and July 13, 2007

Sergeant Garcia worked as the SNEU team supervisor on both February 24, 2007 and July 13, 2007 and did not recall interacting with § 87(2)(b), § 87(2)(b), or § 87(2)(b). Sergeant Garcia was not sure if § 87(2)(b) or § 87(2)(b) were strip searched or whether he noted the strip searches in the Command Log and when shown the Command Log for both dates he affirmed that it indicated they were not strip searched. The SNEU team was conducting standard narcotics operations on February 24, 2007 and July 13, 2007.

Officer Marcos Sanchez from the 44th Precinct was interviewed at the CCRB on January 3, 2008 (encl. 24a-c). Officer Sanchez is a 5'7", 165-pound Hispanic male with black hair and brown eyes who is § 87(2)(b) old. Officer Sanchez did not work with the SNEU team on February 24, 2007, which is documented in the 44th Precinct Roll Call. On July 13, 2007, Officer Sanchez worked from 12:00 PM to 8:35 PM and was assigned to the SNEU team with Officer Edwin Perez and Sergeant Garcia in vehicle § 87(2)(e), § 87(2)(f), but he did not note or recall their assignment. He did not have any memo book entries concerning either incident.

February 24 and July 13, 2007

Officer Edwin Perez did not recall interacting with or seeing § 87(2)(b) or § 87(2)(b) on either February 24, 2007 or July 13, 2007.

Officer Nicole Tirado from the 44th Precinct was interviewed at the CCRB on January 3, 2007 (encl. 25a-e). Officer Tirado is a 5'2", 135-pound Hispanic female with black hair and brown eyes who is § 87(2)(b) years old. On February 24, 2007, Officer Tirado did not work, according to the 44th Precinct Roll Call, and she did not provide her memo book for February 24, 2007, which was requested and will be included in the case file when it is received. On July 13, 2007, Officer Tirado worked from 12:00 PM to 8:35 PM on the SNEU team, but did not note or recall her assignment, with whom she worked, or what vehicle she used.

February 24 and July 13, 2007

Officer Tirado did not recall seeing or interacting with § 87(2)(b) or § 87(2)(b) and did not conduct any strip-searches of them.

Officer Madelyn Perez from the 44th Precinct was interviewed at the CCRB on December 11, 2007 (encl. 18a-d). Officer Perez is a 5'8", 160-pound Hispanic female with brown hair and brown eyes who is § 87(2)(b) years old. Officer Perez did not work on February 24, 2007, which is documented in the 44th Precinct Roll Call. Officer Perez was not working on July 13, 2007, which is indicated in her memo book.

February 24 and July 13, 2007

Officer Perez indicated that she does not work with the SNEU team and works patrol assignments. She stated that she did not recall ever having interacted with § 87(2)(b) or § 87(2)(b) and is not familiar with either of them.

Officer Anthony Russo from the 44th Precinct was interviewed at the CCRB on December 12, 2007 (encl. 23a-b). Officer Russo is a 6'1", 175-pound white male with brown hair and brown eyes who is § 87(2)(b) years old. Officer Russo did not work on February 24, 2007 and worked with Sergeant Cronin's SNEU team during Tour 2 of July 13, 2007. § 87(2)(g)

February 24 and July 13, 2007

Officer Russo stated that he did not interact with or see § 87(2)(b) or § 87(2)(b) on February 24, 2007 or July 13, 2007 and is not familiar with them. He does not work on Sergeant Garcia's SNEU team, but does work on Sergeant Cronin's SNEU team.

Police Documents

February 24, 2007

The 44th Precinct Command Log for February 24, 2007 (encl.30a) indicates that § 87(2)(b) and § 87(2)(b) were arrested by Officer Mora and at the front desk at 6:50 PM. § 87(2)(b) had \$500 in cash in her possession and § 87(2)(b) had \$36.00 in cash. They were both charged § 87(2)(b), § 87(2)(b), § 87(2)(b) and were in apparently normal physical and mental condition. The Command Log does not indicate that § 87(2)(b) and § 87(2)(b) were strip-searched.

The 44th Precinct Tour 3 Roll Call for February 24, 2007 (encl. 31a-j) indicates that Sergeant Garcia was the SNEU supervisor. Officer Lambert was initially assigned to the Community Policing Unit. Officer Mora, Officer Green, and Officer Velazquez were assigned to the SNEU team.

The 44th Precinct Prisoner Holding Pen Roster for February 24, 2007 (encl. 32a) indicates that § 87(2)(b) and § 87(2)(b) were lodged in the holding cells at 7:00 PM and were taken to Bronx Central Booking at 12:20 AM on February 25, 2007.

July 13, 2007

The 44th Precinct Command Log for July 13, 2007 (encl. 33a) indicates that § 87(2)(b) was arrested by Officer Rivera and at the front desk at 4:10 PM. She was in apparently normal physical and mental condition and charged § 87(2)(a) 160.50. The Command Log does not indicate that § 87(2)(b) was strip searched.

The 44th Precinct Tour 3 Roll Call for July 13, 2007 (encl. 32a-k) indicates that Sergeant Garcia was the SNEU supervisor. Officer Lambert, Officer Rivera, Officer Green, Officer Edwin Perez, Officer Tirado, Officer Santos Rivera, Officer Sanchez, and Officer Mora were assigned to the SNEU team.

The 44th Precinct Prisoner Holding Pen Roster for July 13, 2007 (encl. 35a) indicates that § 87(2)(b) was lodged in the holding cells at 4:00 PM by Officer Mora. She was taken to Bronx Central Booking at 1:00 AM on July 14, 2007.

Subject Officer CCRB History

Officer Jeannette Rivera has been with the NYPD for four years and has been the subject of one substantiated CCRB allegation (encl. 3a-f). In CCRB case #200703011, Officer Jeannette Rivera was the subject officer of a substantiated strip search allegation regarding an incident in which she directed an individual to lower her pants in public view and denied doing so. The NYPD disposition regarding this allegation was not available in CTS, but the CCRB board recommended charges. Sergeant Garcia has been with the NYPD for sixteen years and has not been the subject officer of any substantiated CCRB allegations. Officer Lambert has been with the NYPD for nine years and has not been the subject officer of any substantiated CCRB allegations. Officer Tirado has been with the NYPD for five years and has not

been the subject officer of any substantiated CCRB allegations. Officer Velazquez has been with the NYPD for twenty years and has not been the subject officer of any substantiated CCRB allegations. Officer Mora has been with the NYPD for ten years and has not been the subject officer of any substantiated CCRB allegations.

Complainant CCRB History

Neither § 87(2)(b) nor § 87(2)(b) has filed any other complaints with the CCRB (encl. 4a-b).

Complainant Criminal Conviction History

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Notice of Claim

§ 87(2)(b) of the NYC Office of the Comptroller confirmed that § 87(2)(b) filed a notice of claim, which is discussed above (encl. 5a-b).

Conclusions and Recommendations

Officer Identification

§ 87(2)(b) and § 87(2)(b) stated that they were stopped on February 24, 2007. Officer Mora indicated that he was assigned as the observation post on February 24, 2007, in which assignment he makes the determination for the field team to stop individuals. § 87(2)(g)

§ 87(2)(b) stated that she was searched after being stopped on February 24, 2007. She saw the name of the subject officer on his shield and provided it as Officer Lambert. § 87(2)(b) described him as a 5'8", 165-pound Hispanic male with dark hair. Officer Lambert is a 5'8", 180-pound black male with black hair and brown eyes who is § 87(2)(b) years old and of light skin tone. Officer Lambert was working on the SNEU team at the time of the incident on February 24, 2007. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) stated that they were searched directly after being stopped on February 24, 2007. § 87(2)(b) saw the name of the officer who stopped her, which she provided as Officer Velazquez. She described him as a heavy set male Hispanic with dark and short brown hair, who is about 40-45 years old. Officer Velazquez is a 5'11", 220-pound Hispanic male with brown hair and brown eyes who is § 87(2)(b) years old and was working on the SNEU team at the time of the incident on February 24, 2007. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) stated that the officer who searched her, identified as Officer Velazquez, refused to provide his shield number. § 87(2)(b) indicated that the same officer said, "If you won't turn around, we're gonna have to wrestle you to the floor." § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) alleged that they were strip-searched on February 24, 2007. None of the officers interviewed recalled interacting with them on February 24, 2007, and in specific whether they were strip-searched. § 87(2)(b) indicated that Officer Jeannette Rivera strip-searched her on February 24, 2007, but Officer Jeannette Rivera was not working at the time of the incident. § 87(2)(b) and § 87(2)(b) indicated that the subject officers were Hispanic female

officers. § 87(2)(b) and § 87(2)(b) were shown photos of the other female Hispanic officers working on the SNEU team as well as Officer Perez and they were unable to identify the subject officers.

§ 87(2)(g)

§ 87(2)(b) stated that she was stopped on July 13, 2007. Officer Mora indicated that he made the determination for the officers to stop § 87(2)(b) § 87(2)(g)

§ 87(2)(b) identified Officer Jeannette Rivera in the photo array as the female officer who was involved in stopping her. She stated that Officer Jeannette Rivera directed her to lift her blouse, remove her shoes and socks, and searched her pants pockets. Officer Jeannette Rivera acknowledged that she was the only female officer involved in the stop and frisked § 87(2)(b) § 87(2)(g)

§ 87(2)(b) indicated that Officer Velazquez, whose name she provided and who she described as a 5'9", 190 pound Hispanic male with dark hair, opened her purse. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) indicated that an officer, who § 87(2)(b) described as a 5'7"-5'8" black male of medium build, threatened to arrest § 87(2)(b) Officer Lambert is a 5'8", 180 pound black male with black hair and brown eyes who is § 87(2)(b) years old and of light skin tone. Officer Lambert acknowledged that he told § 87(2)(b) to step back from the arrest. § 87(2)(g)

§ 87(2)(b) alleged that the same female officer involved in stopping her, Officer Jeannette Rivera, strip searched her at the 44th Precinct stationhouse. § 87(2)(g)

§ 87(2)(b) alleged that he asked an officer, who he described as a white male taller than 5'7" and about 190 pounds dressed in a uniform with three stripes on the sleeves, to file a civilian complaint. He did not have any identifying information for the subject officer. § 87(2)(b) was unable to identify the subject officer when shown photos of every 44th Precinct sergeant working at the time of the incident. Sergeant Garcia denied that § 87(2)(b) asked him to file a civilian complaint. § 87(2)(g)

Disputed and Undisputed Facts

Regarding the February 24, 2007 incident, none of the officers recalled any aspect of the incident and therefore the circumstances of each allegation are disputed.

In terms of the incident on July 13, 2007, § 87(2)(b) disputes that she entered a residential building. Amongst the officer statements, it is disputed whether Officer Mora provided an indication of what crime § 87(2)(b) had committed to the Chase team and thus how the officers determined that § 87(2)(b) had not been involved in narcotics-related activity. Also in dispute amongst the officer statements is whether Officer Velazquez or Officer Lambert interacted with § 87(2)(b)

It is disputed whether Officer Lambert threatened to arrest § 87(2)(b) In dispute is whether Officer Jeannette Rivera searched § 87(2)(b) and whether Officer Velazquez searched her purse. Also in dispute is whether Officer Jeannette Rivera strip searched § 87(2)(b)

It is not disputed that Officer Jeannette Rivera frisked § 87(2)(b) and that § 87(2)(b) called out to her father during the incident, who appeared and spoke with Officer Lambert. Also, it is not in dispute that § 87(2)(b) went to the 44th Precinct stationhouse concerning § 87(2)(b)'s arrest.

Assessment of the Evidence

§ 87(2)(b), § 87(2)(g) the officers involved were all interviewed at least seven months after the incident and none of them recalled the incident. The 44th Precinct Command Log for February 24, 2007 does not indicate that § 87(2)(b) and § 87(2)(b) were strip-searched. § 87(2)(b), § 87(2)(g)

Concerning allegation G, the stop that occurred on July 13, 2007, Officer Mora indicated that he saw § 87(2)(b) enter and leave § 87(2)(b) Place while he was situated across the street, but he could not recall how she entered the building. § 87(2)(b), § 87(2)(g)

In terms of allegations H, I, J, and K, which concern the search and frisk of § 87(2)(b) Sergeant Garcia confirmed that the SNEU team was conducting normal narcotics enforcement on July 13, 2007, and Officer Mora and Officer Green indicated that the SNEU team often sets up at a few drug-prone residences on § 87(2)(b) Place to do narcotics enforcement. Officer Mora testified that in the radio transmission he made concerning § 87(2)(b) he specified that § 87(2)(b) had committed § 87(2)(a) and was not suspected of having narcotics, thus demonstrating an understanding that the officers would need to distinguish a § 87(2)(a) arrest from an arrest for narcotics-related activity. Officer Jeannette Rivera, Officer Velazquez, and Officer Lambert, the only officers involved in stopping § 87(2)(b) indicated that Officer Mora did not provide any specification indicating that § 87(2)(b) was suspected of § 87(2)(a) 160.50 § 87(2)(b), § 87(2)(g)

Officer Jeannette Rivera, Officer Velazquez, and Officer Lambert all denied seeing or conducting any search of § 87(2)(b) during her arrest. Officer Vazquez and Officer Lambert stated that the radio transmission indicated to them that § 87(2)(b) was suspected of having narcotics. Officer Valezquez and Officer Lambert said that they did not know how it was determined that § 87(2)(b) was not in possession of narcotics § 87(2)(b), § 87(2)(g)

Officer Velazquez denied exiting the police vehicle at the scene and demonstrated a selective memory; he recalled going to the scene, how he positioned the police vehicle at the street corner, sitting in the police vehicle with a clear view of the interaction, and interacting with § 87(2)(b) at the stationhouse afterwards, but he did not recall § 87(2)(b)'s interaction with Officer Jeannette Rivera and Officer Lambert at the scene. Officer Lambert indicated that he was preoccupied with controlling a crowd of thirty people and speaking with § 87(2)(b) and hence did not see how Officer Velazquez and Officer Jeannette Rivera determined that § 87(2)(b) was not in possession of narcotics. § 87(2)(g) Officer Edwin Perez stated that the second apprehension vehicle is generally called to the scene when there is a crowd problem but that was not done in this case, Officer Mora did not see any problems with the arrest of § 87(2)(b) none of the other officers indicated that a problematic crowd gathered, and Officer Lambert could not describe where the crowd came from.)

In her CCRB interview, Officer Jeannette Rivera was repeatedly asked to explain why she did not suspect § 87(2)(b) of having narcotics and how she knew that § 87(2)(b) had committed § 87(2)(a). Officer Jeannette Rivera § 87(2)(g) stating that she “just knew” that § 87(2)(b) did not have any narcotics and was suspected only of § 87(2)(a). However, the officers were conducting a normal narcotics operation on July 13, 2007, Officer Jeannette Rivera did not see § 87(2)(b) § 87(2)(a) 160.50 and Officer Jeannette Rivera affirmed that the observation post did not specify that § 87(2)(b) was suspected of § 87(2)(a) 160.50 § 87(2)(g)

§ 87(2)(b) she specified that she complied with Officer Jeannette Rivera's orders to lift her blouse above her brassiere in public view, removed her socks and sneakers, and Officer Jeannette Rivera searched her pants pockets. Additionally, Officer Velazquez searched her purse. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) both stated that Officer Lambert threatened to arrest him if he did not step away from the arrest. Officer Lambert did not recall whether he made such a threat of arrest and Officer Velazquez and Officer Jeannette Rivera did not hear a threat of arrest. § 87(2)(g)

§ 87(2)(b) stated that Officer Jeannette Rivera strip searched her. Officer Jeannette Rivera stated that she checked on § 87(2)(b) to assure that she did not abscond from the holding cell area, but denied that she strip searched her. According to § 87(2)(b) no one else witnessed the strip search. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

He was unable to identify the officer when shown a photo array and none of the officers interviewed stated that they heard § 87(2)(b) ask to file a civilian complaint. § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Allegation A: On February 24, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Place in the Bronx, Officer Juan Mora stopped § 87(2)(b) and § 87(2)(b)

Allegation B: On February 24, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Street in the Bronx, Officer Derrick Lambert searched § 87(2)(b)

Allegation C: On February 24, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Street in the Bronx, Officer Ruben Velazquez searched § 87(2)(b)

Allegation D: On February 24, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Street in the Bronx, Officer Ruben Velazquez refused to provide his shield number to § 87(2)(b)

Allegation E: On February 24, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Street in the Bronx, Officer Ruben Velazquez threatened § 87(2)(b) with the use of force.

§ 87(2)(b) and § 87(2)(b) stated that they were stopped and searched. They further alleged that Officer Velazquez refused to provide his name and shield number, and threatened to use force against § 87(2)(b) Officer Mora, Officer Lambert, and Officer Velazquez, the only officers involved in the stop, did not recall the incident. § 87(2)(b), § 87(2)(g)

Allegation F: On February 24, 2007, at the 44th Precinct stationhouse, officers strip-searched § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) alleged that they were strip searched at the 44th Precinct stationhouse. They were unable to identify the subject officers in a photo array and none of the officers interviewed recalled interacting with them on February 24, 2007 or whether they were strip searched. Additionally, the Command Log does not indicate that § 87(2)(b) and § 87(2)(b) were strip searched. § 87(2)(g)

Allegation G: On July 13, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Place in the Bronx, Officer Juan Mora stopped § 87(2)(b)

§ 87(2)(b) stated that she was stopped and she denied entering any residential buildings beforehand. Officer Mora testified that he determined to have § 87(2)(b) stopped because he saw her enter and leave a Clean Halls building as he was sitting in a police vehicle across the street. § 87(2)(g)

Officer Mora did not recall how § 87(2)(b) entered the building and affirmed that the basis for the stop

was the fact that she had entered and left the building. The NYPD Legal Guidelines for Citizen Encounters In Trespass Affidavit Buildings (encl. 1a-b) outlines the legal justification needed in order to conduct a stop for trespassing in Trespass Affidavit Buildings. The guidelines state, "It should be understood that when an officer is not in the building (E.G. sitting across the street in an R.M.P.), merely observing an individual entering and exiting the building, or simply exiting the building, is not enough to conduct a stop." The guideline states that without more factors increasing the officer's suspicion, simply seeing someone enter and leave the building does not alone justify a stop. The NYPD Street Encounters: Legal Issues guide (encl. 2a-h) and New York State Penal Law 140.50 (encl. 2a-h) indicate that officers must establish reasonable suspicion before stopping individuals. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

PD v. Dowd and Rose (encl. 2a-h) states that misconduct is committed "if the officer acted with knowledge that he was acting improperly, acted without concern for the propriety of his actions, or acted without due and reasonable care that his actions be proper." Officer Mora has been with the NYPD for ten years and working as the observation post of the 44th Precinct SNEU team for two years before the date of the incident. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation H: On July 13, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Place in the Bronx, Officer Jeannette Rivera searched § 87(2)(b)

Allegation J: On July 13, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Place in the Bronx, Officer Jeannette Rivera frisked § 87(2)(b)

Allegation K: On July 13, 2007, in the vicinity of the corner of § 87(2)(b) Avenue and § 87(2)(b) Place in the Bronx, Officer Ruben Velazquez searched § 87(2)(b)

§ 87(2)(b) stated that she was searched by Officer Jeannette Rivera and Officer Velazquez. Officer Jeannette Rivera and Officer Velazquez denied searching § 87(2)(b) § 87(2)(b), § 87(2)(g) At the time of the stop, Officer Jeannette Rivera and Officer Velazquez had been alerted by Officer Mora to stop § 87(2)(b) as part of a narcotics operation, according to Officer Lambert and Sergeant Garcia. Officer Mora was in view of § 87(2)(b) and hence the officers were assured that they had stopped the correct individual. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation I: On July 13, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Place in the Bronx, Officer Jeannette Rivera strip-searched § 87(2)(b)

§ 87(2)(b) stated that Officer Jeannette Rivera directed her to raise her blouse above her brassiere while standing in public view. Officer Jeannette Rivera denied that she conducted any search of § 87(2)(b) § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

The Finest Message Addendum (encl.) specifies that any search in which an individual's undergarments, including a brassiere, are exposed is considered a strip search as indicated in NYPD Patrol Guide Procedure 208-05 (encl. 2a-h). The Finest Message and NYPD Patrol Guide Procedure 208-05 both indicate that any strip search is to be conducted "in a secure area in utmost privacy." Additionally, all strip searches are to be authorized by a supervisor prior to being conducted. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation L: On July 13, 2007, in the vicinity of § 87(2)(b) Avenue and § 87(2)(b) Place in the Bronx, Officer Derrick Lambert threatened to arrest § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) alleged that Officer Lambert threatened to arrest § 87(2)(b) if he did not step away from the police vehicle. Officer Lambert did not recall whether he threatened to arrest § 87(2)(b). Officer Velazquez and Officer Jeannette Rivera did not hear a threat of arrest. § 87(2)(g)

Allegation M: On July 13, 2007, at the 44th Precinct stationhouse, Officer Jeannette Rivera strip-searched § 87(2)(b)

§ 87(2)(b) stated that Officer Jeannette Rivera strip searched her. Officer Jeannette Rivera denied as much. The Command Log does not indicate that § 87(2)(b) was strip searched. § 87(2)(b), § 87(2)(g)

Allegation N: On July 13, 2007, at the 44th Precinct stationhouse, an officer did not process § 87(2)(b)'s complaint regarding officers.

§ 87(2)(b) alleged that an unidentified officer refused to process his civilian complaint. None of the officers interviewed were aware of § 87(2)(b) asking to file a civilian complaint. § 87(2)(b) was unable to identify the subject officer when a shown photo of each possible subject officer and the description provided does not alone effectively distinguish any officer. § 87(2)(b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Investigator: Date:

Supervisor: Date:

Reviewed by: Date:

Reviewed by: Date: